

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

CITY OF O'FALLON, MISSOURI,	)	ED102562
CITY OF TROY, MISSOURI, and	)	
CITY OF ORRICK, MISSOURI,	)	
on behalf of themselves and all others	)	Appeal from the Circuit Court
similarly situated,	)	of St. Louis County
	)	
Plaintiffs/Respondents,	)	
	)	
and	)	
	)	
CITY OF BUTLER, MISSOURI,	)	
	)	
Appellant,	)	
	)	
v.	)	
	)	
CENTURYLINK, INC.; CENTURYTEL	)	Honorable Joseph S. Dueker
OF MISSOURI, L.L.C. d/b/a	)	
CENTURYLINK; CENTURYTEL LONG	)	
DISTANCE, L.L.C. d/b/a CENTURYLINK	)	
LONG DISTANCE; EMBARQ,	)	
MISSOURI, INC.; SPECTRA	)	
COMMUNICATIONS GROUP, L.L.C.;	)	
EMBARQ COMMUNICATIONS, INC.;	)	
and CENTURYLINK	)	
COMMUNICATIONS, L.L.C.,	)	
	)	Filed: March 29, 2016
Defendants/Respondents.	)	

The City of Butler, Missouri (Appellant) appeals from the trial court's December 12, 2014, judgment awarding attorney's fees to class action counsel (Class Counsel) and denying Appellant's motion for attorney's fees.

DISMISSED.

Division Four Holds: Appellant, an unnamed, non-intervenor member of a class benefitting from a settlement in a class action, cannot appeal the judgment awarding attorney's fees to Class Counsel after those fees have been voluntarily paid and the judgment is satisfied because such appeal is moot. Appellant cannot appeal the court's denial of attorney's fees to its own separate counsel when such counsel never submitted a proper request for such fees to the court because the alleged error is not preserved for appeal.

Opinion by: Sherri B. Sullivan, J. Lisa S. Van Amburg, C.J., and Kurt S. Odenwald, J., concur.

Attorneys for Appellant: Daniel G. Vogel, David A. Streubel, Margaret C. Eveker  
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Paperner, John F. Mulligan, Jr.  
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**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN  
PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE  
QUOTED OR CITED.**